

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 99-4303

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United States of America,

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Appellee,

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Appeal from the United States

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District Court for the Eastern

v.

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District of Arkansas.

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Nina Lee Smart,

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[UNPUBLISHED]

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Appellant.

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Submitted: June 7, 2000

Filed: June 15, 2000

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Before LOKEN, FAGG, and HANSEN, Circuit Judges.

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PER CURIAM.

Nina Lee Smart appeals her drug conspiracy sentence asserting as error the district court's refusal to depart downward, which she had urged the court to do on the basis her incarceration would traumatize her young son. We will not review this argument, however, because the court acknowledged its authority to depart but declined to do so as a discretionary matter. See United States v. Correa, 167 F.3d 414, 417 (8th Cir. 1999); United States v. Field, 110 F.3d 587, 591 (8th Cir. 1997).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.